



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

September 30, 2005

CERTIFIED MAIL

Mr. Paul E. Dean II
EH&S Responsible Care Leader
Environment, Health and Safety Leader
The Dow Chemical Company
1261 Building
Midland, Michigan 48667

Dear Mr. Dean:

SUBJECT: Amendment 3 - Minor Modifications to Operating License;
The Dow Chemical Company (Dow), Midland; MID 000 724 724

The Department of Environmental Quality (DEQ), Waste and Hazardous Materials Division (WHMD), has reviewed the requested hazardous waste management facility operating license (Operating License) modifications submitted by Dow on the dates and for the reasons listed in the enclosed table.

These requested revisions were reviewed for compliance with R 299.9504(1)(c), R 299.9508(1)(b), and R 299.9519 of the administrative rules promulgated pursuant to Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Based on this review, the modifications summarized in the enclosed table are hereby approved and the enclosed Operating License Amendment 3, which has been modified to incorporate these revisions, becomes the enforceable document and replaces the Operating License that was issued to Dow on June 12, 2003. These revisions are all minor modifications to the Operating License pursuant to R 299.9519(5) and (9).

In order to ensure that both parties have fully updated copies of the current modified Operating License, Dow and the DEQ chose to incorporate the previous minor modifications in Amendment 1 (September 30, 2003) and Amendment 2 (September 2, 2004) into Amendment 3. In addition, it should be noted that Amendment 3 incorporates a number of revisions that are allowed under the Operating License without the need for a minor modification (e.g., previous revisions to forms, the Groundwater Monitoring Program Sampling and Analysis Plan, and the Soil and Groundwater Exposure Control Program).

Two copies of the modified Operating License text, without attachments, are enclosed. One copy shows the revisions made to the Operating License in track changes format for ease of reference and the other is the final copy. Copies of the modified attachments to the Operating License were assembled at a meeting between DEQ and

Dow technical staff on September 26, 2005. Mr. Steve Lucas of your staff has Dow's official copy of the modified attachments. Copies of the modified attachments were also created for the WMHD Lansing and Saginaw Bay District Offices. To minimize duplication, the WHMD's copy of the original attachments to Dow's Operating License issued on June 12, 2003, will be maintained in the Lansing Office. Only the updated copy of attachments for Operating License Amendment 3 will be available at the Saginaw Bay District Office.

Pursuant to R 299.9519(6), Dow must send a notice of these minor modifications to all persons on the facility mailing list (copy enclosed) and the appropriate units of state and local government within 90 calendar days after the date of this letter. Please notify the WHMD of any addresses on the mailing list that are returned to sender.

Approval of the above referenced modifications (e.g., inclusion of an updated Waste Analysis Plan) does not preclude, nor limit, the DEQ's ability to initiate any enforcement action, under state or federal law, together with the assessment of civil penalties, for Dow's failure to address previous deficiencies, including but not limited to those cited in the Notice of Violation dated September 19, 2005.

Should you have any questions, please contact Ms. Cheryl Howe of the Hazardous Waste Section, WHMD, at 517-373-9881, or you may contact me.

Sincerely,

George W. Bruchmann, Chief
Waste and Hazardous Materials Division
517-373-9523

Enclosures

cc: Ms. De Montgomery, DEQ

Mr. Steve Buda, DEQ

cc/enc: Mr. Steve Lucas, Dow
Mr. John Craig/Mr. Gary Tuma, DEQ
Mr. Mark Reed/Ms. Jennifer Lang Stark, DEQ
Mr. Terry Walkington/Ms. Trisha Peters, DEQ
Ms. Virginia Himich, DEQ
Ms. Cheryl Howe, DEQ
Mr. Al Taylor, DEQ
Operating License File